

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: William Samuel HERZ Confirmation No.: 7004
Serial No.: 10/665,895 Group Art Unit: 2621
Filed: September 18, 2003 Examiner: PHILIPPE, Gims S.
For: **APPARATUS AND METHOD FOR PERFORMING SURVEILLANCE USING
MOTION VECTORS**

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

In response to the Final Office Action of July 28, 2008, Applicant respectfully requests a review of the rejection of the above-identified patent application. This request is being filed with a Notice of Appeal under 37 C.F.R. 41.31. Consideration of this request prior to the filing of an appeal brief is respectfully requested pursuant to the Pre-Appeal Brief Conference Pilot Program (OG Notices: 12 July 2005).

I. STATUS OF THE CLAIMS

Independent claim 1 and its dependent claims 2-6, 8, 10, and 22 are rejected as being unpatentable over DAGRACA (U.S. Patent No. 6,646,676), in view of RAMIREZ-DIAZ (Publication No. 2003/0085998), TAM (Publication No. 2004/0052501), and SAMPATH-KUMAR (U.S. Patent No. 6,169,573).

II. ARGUMENT

A. DAGRACA and RAMIREZ-DIAZ fail to show or suggest the features of independent claim 1

Claim 1 recites coordinating “*selective storage of said portions of said plurality of video frames corresponding to said target region,*” wherein the target region is “included as a portion in each of said plurality of video frames, said target region representing a specific area to be monitored for movement.” The Examiner concedes that DAGRACA fails to disclose the selective storage feature as recited in claim 1, but argues that RAMIREZ-DIAZ remedies this deficiency of DAGRACA. The sole passage of RAMIREZ-DIAZ relied by the Examiner discloses storing and loading an image map to make certain areas of a video camera image insensitive to motion. *See* paragraph no. 51. RAMIREZ-DIAZ’s image map in no way shows or suggests selective storage of portions of video frames corresponding to a target region, as recited in claim 1. Rather, RAMIREZ-DIAZ’s image map is applied to a video camera image for the purposes of detecting motion, and is distinct from the actual video camera image. *See* Figure 9C and paragraph nos. 51 and 53. Stated in another way, RAMIREZ-DIAZ uses an image map to select areas of a video camera image for performing motion detection, and not for the purposes of selecting which areas of the video camera image should be stored. This conclusion is evident with reference to the accompanying Figure 9C, which shows storing a video camera image (“Store Bitmap 702” block) and then applying the image map to the stored video camera image for performing motion detection (“Image map masking per cell 706” block). *See* Figure 9C. Of note, the output of applying the image map is not selective storage of a portion of the video camera image, but rather an alarm event (“Alarm Event 719” block) or no motion detected (“No Motion Detected 720” block). *See id.*

B. The remaining references fail to show or suggest the features of independent claim 1

The rejection of claim 1 is predicated upon the teachings of DAGRACA and RAMIREZ-DIAZ with respect to the above-described selective storage feature of claim 1. The deficiencies of DAGRACA and RAMIREZ-DIAZ are not remedied by the teachings of TAM and SAMPATH-KUMAR.

For these reasons, the cited references fail to show or suggest the subject matter that is defined by claim 1. Thus, claim 1 and its dependent claims 2-6, 8, 10, and 22 are in a condition for allowance.

III. SUMMARY


For the reasons set forth above, the rejection of claims 1-6, 8, 10, and 22 is in error. Therefore, all pending claims should be in a condition for allowance.

The Commissioner is hereby authorized to charge any appropriate fees to Deposit Account No. 50-1283.

Respectfully submitted,
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Dated: September 15, 2008

By:


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